



## **Sudan Law Reform Update**

**May-July 2010**

Welcome to the eighth issue of the Sudan law reform update. The Project for Criminal Law Reform in Sudan (PCLRS) provides this regular service with a view to informing those working on, and interested in, law reform and human rights of relevant developments. The update includes a summary of the news (largely based on English language media sources) on law reform, jurisprudence and other developments. It also aims to serve as a platform for sharing of information, comments and opinions on any issues related to law reform and human rights in Sudan. This issue covers developments up to 19 July 2010.

Yours,

Lutz Oette

For further information, please visit our website at [www.pclrs.org](http://www.pclrs.org). Please contact Lutz Oette (REDRESS) at [lutz@redress.org](mailto:lutz@redress.org) (Tel +44 20 7793177) if you wish to share information or submit your comments for consideration, or if you do not wish to receive any further issues of the update.

## **I. PCLRS NEWS**

REDRESS would like to express its appreciation to SORD and Khansaa al-Karib for their valuable contribution to the PCLRS and look forward to further collaboration in a different format.

PCLRS welcomes Najlaa Ahmed as the new Project Coordinator. Najlaa Ahmed will be the main focal point for our continuing work with communities, civil society, human rights lawyers, legal experts and officials throughout Sudan. Our main goal for this year is to retain the momentum on law reform, to continue advocating for key changes, such as the laws on rape, sexual violence and public order, to campaign for a new National Security Act in line with the CPA requirements, and to address other areas of the law incompatible with binding international human rights standards.

We would like to invite you to use our new blog facility on our website [www.pclrs.org](http://www.pclrs.org) to share your views and news on criminal law reform and human rights in Sudan. Please email [lutz@redress.org](mailto:lutz@redress.org) to post a blog or comment directly on any blogs posted.

## **II. COMMENT**

### **Referendum and Law Reform**

Following the elections and the inauguration of the new government, all eyes are turning towards the referendum on the status of Southern Sudan scheduled for January 2011 as the next and final milestone of the Comprehensive Peace Agreement (CPA). The CPA set out a vision and embodied a promise of a country that all its members wish to live in, reflected in its goal to “make unity attractive”. Reforming legislation and taking other measures to protect human rights and to strengthen the rule of law were an integral part of the CPA process. This instrumental value is set out in the CPA’s Chapeau where “The Parties Further Acknowledge that the successful implementation of the CPA shall provide a model for good governance in the Sudan that will help create a solid basis to preserve peace and make unity attractive and therefore undertake to fully adhere to the letter and the spirit of the CPA so as to guarantee lasting peace, security for all, justice and equality in the Sudan.”

Observers report high levels of support for an independent South Sudan amongst Southerners. While strong national sentiments can be found worldwide, this preference appears to attest to a failure to make unity attractive. Indeed, the CPA implementation period has not witnessed an end to a number of conflicts in Sudan and serious violations of human rights continue to be reported, even more so following the elections. In addition, legislative reforms have fallen short of CPA requirements. Some new or amended laws, such as the Child Law, have resulted in greater protection in its field of application. However, other pieces of legislation, such as the Armed Forces Act and the Police Act, have retained immunities provisions that are incompatible with Sudan’s human rights obligations (that are part of the Bill of Rights as stipulated in article 27 (3) of the Interim National Constitution). The National Security Act, passed in early 2010 in the face of widespread opposition, retains immunities, notwithstanding the recommendations made by the Mbeki Panel on Darfur in October 2009 to repeal such provisions. It also grants the security services extraordinarily broad powers of arrest and detention. Rather than providing “security for all” as set out in the CPA, the National Security Act reinforces a system

that fosters arbitrariness and violations in a climate of impunity. The reform of a number of other laws, including those relating to sexual violence and public order, is overdue.

Attempts are reportedly being made to make unity attractive through economic development. Such development is undoubtedly important; it is also in its own right an obligation of the state of Sudan to respect, protect and fulfil economic, social and cultural rights to all living within its territory. However, economic development alone will not be sufficient. The political system also has to attend to structural deficiencies and the lack of the rule of law that have resulted in conflict, violations and injustices. The period remaining before the referendum provides a final opportunity to make a concerted effort within the CPA framework to genuinely address these fundamental issues, beginning with a wholesale reform of the national security law and others laws facilitating impunity for serious violations. As the history of Sudan amply demonstrates, unity built on fear will not guarantee lasting peace, security, justice and equality. If there is one last chance to make unity attractive, it is now.

### **III. LAW REFORM**

#### **30<sup>th</sup> June 2010**

Sudanese lawmakers agree to drop fine from press law

<http://www.sudantribune.com/spip.php?article31323>

#### **19<sup>th</sup> June 2010**

South Sudan Police institutes new reforms

<http://www.sudantribune.com/spip.php?article35436>

#### **2<sup>nd</sup> June 2010**

South Sudan Police institutes new reforms

<http://www.sudantribune.com/spip.php?article35261>

#### **24<sup>th</sup> May 2010**

Parliament convenes today

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2024%20May%202010.pdf>

### **IV. JURISPRUDENCE**

#### **10<sup>th</sup> May 2010**

Legal battle rages on over the powers of the justice minister

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%2010%20May%2010.pdf>

#### **4<sup>th</sup> May 2010**

Journalist Lubna Hussein demands repeal of criminal law provisions

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%204%20May%2010.pdf>

### **V. OTHER NEWS**

#### **New Government and Convening of Parliament**

**15<sup>th</sup> June 2010**

New Government formed

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2015%20June%2010.pdf>

**30<sup>th</sup> May 2010**

Presidency approves formation on new Government of National Unity

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2030%20May%2010.pdf>

**24<sup>th</sup> May 2010**

Parliament convenes today

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2024%20May%202010.pdf>

**Referendum****19<sup>th</sup> July 2010**

Head of Sudan's referendum commission says process well behind schedule

<http://www.sudantribune.com/spip.php?article35700>

**18<sup>th</sup> July 2010**

UN pledges to assist Sudan's referendum

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2018%20July%2010.pdf>

**14<sup>th</sup> July 2010**

Sudan unprepared for 2011 referendum: report

<http://www.sudantribune.com/spip.php?article35660>

**8<sup>th</sup> July 2010**

South Sudan Referendum Taskforce begins to strategize on its responsibilities

<http://www.sudantribune.com/spip.php?article35597>

**6<sup>th</sup> July 2010**

NCP, SPLM and UN reach agreement on referendum

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%206%20July%2010.pdf>

**4<sup>th</sup> July 2010**

SPLM & NCP hold preliminary meeting on post-referendum issues

<http://www.sudantribune.com/spip.php?article35562>

**29<sup>th</sup> June 2010**

Sudan's CPA partners hand post referendum arrangements to AU

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2030%20June%2010.pdf>

**29<sup>th</sup> June 2010**

Sudanese parliament endorses members of referendum body

<http://www.sudantribune.com/spip.php?article35521>

**26<sup>th</sup> June 2010**

Sudan's SPLM & NCP sign MOU on post-referendum arrangements

<http://www.sudantribune.com/spip.php?article35494>

**19<sup>th</sup> June 2010**

South Sudan parliament says referendum should be held on time

<http://www.sudantribune.com/spip.php?article35432>

**17<sup>th</sup> June 2010**

Donors pledge commitment to support post-referendum south  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%2017%20Jun%2010.pdf>

**16<sup>th</sup> June 2010**

A Sudanese minister warned that Sudan may witness new war if parties disagree over referendum results  
<http://www.sudantribune.com/spip.php?article35404>

**15<sup>th</sup> June 2010**

Sudanese Parliament postpones approval of Referendum Commission members  
<http://www.sudantribune.com/spip.php?article35395>

**11<sup>th</sup> June 2010**

Civil society call for independent referendum commission  
<http://www.sudantribune.com/spip.php?article35350>

**10<sup>th</sup> June 2010**

Machar claims the referendum can be conducted without demarcated borders  
<http://www.sudantribune.com/spip.php?article35342>

**8<sup>th</sup> June 2010**

South Sudan Youth launch mass campaign for separation  
<http://www.sudantribune.com/spip.php?article35322>

**6<sup>th</sup> June 2010**

Bashir says unity of country is in best interest of North & South  
<http://www.sudantribune.com/spip.php?article35304>

**2<sup>nd</sup> June 2010**

Athor says SPLM "ruling clique" can rig referendum against people's choice  
<http://www.sudantribune.com/spip.php?article35260>

**1<sup>st</sup> June 2010**

US urged to intervene in Sudan's 2011 referendum  
<http://www.sudantribune.com/spip.php?article35250>

**25<sup>th</sup> May**

South Sudan independence "major problem": AU Chief  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2027%20May%2010.pdf>

**24<sup>th</sup> May**

Parliament would not be impartial on the referendum-speaker  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%2025%20May%2010.pdf>

**18<sup>th</sup> May 2010**

"It is too late to talk about unity of Sudan"- SPLM official  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2018%20May%2010.pdf>

**10<sup>th</sup> May 2010**

South Sudan wants quick resumption of referendum talks  
<http://www.sudantribune.com/spip.php?article35032>

**10<sup>th</sup> May 2010**

The issue of unity concerns all the Sudanese

<http://www.sudantribune.com/spip.php?article35028>

**9<sup>th</sup> May 2010**

SPLM calls for new alliance to support South Sudan referendum

<http://www.sudantribune.com/spip.php?article35019>

**9<sup>th</sup> May 2010**

NCP says unity is a strategic objective

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%202009%20May%2010.pdf>

**7<sup>th</sup> May 2010**

SPLM's Amum accuses NCP of dragging its feet on South Sudan referendum

<http://www.sudantribune.com/spip.php?article35005>

**6<sup>th</sup> May 2010**

US urge speedy referendum arrangements as lawmaker calls for replacing Sudan envoy

<http://www.sudantribune.com/spip.php?article34994>

**6<sup>th</sup> May 2010**

Sudan's Machar says referendum polling may take place in December 2010

<http://www.sudantribune.com/spip.php?article34993>

**5<sup>th</sup> May 2010**

Sudan says 80% of North-South border demarcation is complete

<http://www.sudantribune.com/spip.php?article34980>

**Human Rights situation****16<sup>th</sup> July 2010**

Sudanese court sentences three opposition journalists to jail time

<http://www.sudantribune.com/spip.php?article35679>

**8<sup>th</sup> July 2010**

Sudan releases members of 'Girifna' amid reports of torture

<http://www.sudantribune.com/spip.php?article35602>

**7<sup>th</sup> July 2010**

Sudan security conducts major crackdown on newspapers accused of promoting secession

<http://www.sudantribune.com/spip.php?article35590>

**5<sup>th</sup> July 2010**

Activists campaign against domestic violence targeting women

<http://www.sudantribune.com/spip.php?article35565>

**4<sup>th</sup> July 2010**

South Sudan army rejects Human Right report

<http://www.sudantribune.com/spip.php?article35555>

**2<sup>nd</sup> July 2010**

Rights body tells Sudan to investigate election-related abuses

<http://www.sudantribune.com/spip.php?article35546>

**1<sup>st</sup> July 2010**

Turabi freed from jail upon orders from Sudanese president

<http://www.sudantribune.com/spip.php?article35543>

**29<sup>th</sup> June 2010**

Government and opposition supporting students confront at university in Omdurman

<http://www.sudantribune.com/spip.php?article35520>

**27<sup>th</sup> June 2010**

Sudanese doctors released after end of their strike

<http://www.sudantribune.com/spip.php?article35501>

**26<sup>th</sup> June 2010**

Police arrests Sudanese models after fashion show in Khartoum

<http://www.sudantribune.com/spip.php?article35493>

**16<sup>th</sup> June 2010**

State official disputes allegations of arrests

<http://www.sudantribune.com/spip.php?article35401>

**16<sup>th</sup> June 2010**

Sudan bars rights activist from travelling abroad

<http://www.sudantribune.com/spip.php?article35405>

**9<sup>th</sup> June 2010**

US slams 'political repression' by Sudanese authorities

<http://www.sudantribune.com/spip.php?article35334>

**27<sup>th</sup> May 2010**

Rights groups say detained Sudanese journalists were tortured

<http://www.sudantribune.com/spip.php?article35202>

**20<sup>th</sup> May 2010**

Sudan resumes pre-publication censorship of newspapers

<http://www.sudantribune.com/spip.php?article35135>

**19<sup>th</sup> May 2010**

Focus on human rights violation, media urged

<http://www.sudantribune.com/spip.php?article35118>

**15<sup>th</sup> May 2010**

60 killed in Darfur after clashes between Sudanese police and JEM rebels

<http://www.sudantribune.com/spip.php?article35082>

**14<sup>th</sup> May 2010**

Unity State fires Radio FM journalist after 13 days of detention

<http://www.sudantribune.com/spip.php?article35068>

**13<sup>th</sup> May 2010**

Murder, rape and defilement practices still continue to dominate reported cases of conflict in Magwi County

<http://www.sudantribune.com/spip.php?article35055>

**2nd May 2010**

Angelina Terry raises concerns about the humanitarian situation in Unity state

<http://www.sudantribune.com/spip.php?article34951>

**2<sup>nd</sup> May 2010**

Watchdog expresses concern on detained Ethiopian journalists

<http://www.sudantribune.com/spip.php?article34946>

**VI. DOCUMENTS**

Max-Planck-Institute for Comparative and Public International Law, Heidelberg and Peace Research Institute, University of Khartoum:  
Heidelberg Darfur Dialogue Outcome Document, containing Draft Proposals for consideration in a future Darfur Peace Agreement, May 2010

[http://www.mpil.de/shared/data/pdf/hdd\\_outcome\\_document.pdf](http://www.mpil.de/shared/data/pdf/hdd_outcome_document.pdf)

Report of the independent expert on the situation of human rights in the Sudan, Mohammed Chande Othman, 26 May 2010

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/136/48/PDF/G1013648.pdf?OpenElement>

Amnesty International: Agents of Fear- The National Security Service in Sudan

<http://www.amnesty.org/en/library/asset/AFR54/010/2010/en/7b11e50c-3a0b-4699-8b6f-08a27f751c6c/afr540102010en.pdf>